

ANNUAL REPORT - Fiscal Year 2001
Opticians=Registry Advisory Committee
Professional Licensing and Certification Division
Texas Department of Health

Introduction

The Texas Legislature enacted the Opticians=Registry Act in 1991 to provide a system of voluntary registration of dispensing opticians. The law safeguards public health, safety, and welfare by providing a means by which the public can identify providers of ophthalmic dispensing services and products that meet minimum standards of competence. An optician who meets certain standards may choose to become a registered dispensing optician through the Opticians=Registry Program. The standards include passing a national certification examination and completing classroom training.

Dispensing opticians may qualify as a Registered Spectacle Dispenser, a Registered Contact Lens Dispenser, or both. As of August 31, 2001, there were 725 optician registrations issued with 309 opticians registered as spectacle dispensers, 32 opticians registered as contact lens dispensers, and 192 opticians registered in both categories.

Committee and Subcommittee Composition

The Opticians' Registry Advisory Committee (committee) was established under the Health and Safety Code, ' 11.016, which allows the Texas Board of Health (Board) to establish advisory committees. The purpose of the committee is to provide advice to the Board in the area of opticianry and the regulation of dispensing opticians.

The committee is composed of eleven members appointed by the Board of Health. The composition of the committee includes four consumer representatives, three opticians, two optometrists, and two physicians (ophthalmology). The term of office of each member is six years. Members are appointed for staggered terms so that the terms of a substantial equivalent number of members will expire on March 1 of odd-numbered years. The committee roster is included within this report.

There are currently two vacant positions and six expired terms. Three additional positions will expire on March 1, 2003. By rule, members continue to serve until their replacement is appointed. Advisory committee appointments will be a priority for fiscal year 2002.

The committee has established three subcommittees: Rules, Complaints, and Public & Professional Relations. Subcommittee assignments of members are indicated on the committee roster.

Staff

The committee functions within the Professional Licensing and Certification Division. Kathy Craft, Program Director, provides oversight for committee staff and operations. Heather Muehr, Program Administrator, carries out administrative and managerial functions associated with the committee and the Opticians=Registry Program. Bianca Kasper, Administrative Technician, executes routine duties required to operate the registration program.

Meetings

The committee meets as necessary to conduct committee business.

The committee met on September 13, 2000, in Austin, Texas. Members absent were Judianne Kellaway, M.D., Thomasene Thomas, Gerald Guthrie and Ken Van Cleave. The committee approved minutes of the October 29, 1999, meeting, approved the draft annual report and approved committee recommendations to the Board of Health regarding proposed amendments to 25 Texas Administrative Code, Chapter 129.

Tasks Assigned by the Board of Health

The committee's tasks are set out in board rule 25 TAC ' 129.3 (d)(1)-(2). The committee shall advise the board concerning rules relating to opticians. The committee shall carry out any other tasks assigned by the Board.

Rule amendments were recommended in fiscal year 2001 to comply with Government Code, Chapter 2001, Section 39 which requires each state agency to review and consider for readoption each rule adopted by that agency; to implement provisions of HB 3155, 1999, which compiled relevant laws from Texas Civil Statutes into the Texas Occupations Code; and to implement provisions of HB 2085, 1999, related to late renewal fees. The Board has not assigned any additional tasks.

Costs Related to the Committee's Existence

Fiscal year 2001 operating costs of the Opticians=Registry Program were \$24,718 and revenue was \$23,022. The program was charging registrants the maximum fee amounts established by the Opticians=Registry Act. The cost of staff time spent in support of the committee's activities (meetings, rulemaking based on committee recommendations, departmental advisory committee reviews, committee appointments) during FY2001 is estimated as follows:

Administrative Technician	\$ 335.71
Program Administrator	\$ 1799.18
Program Director	\$ 552.89

Total \$ 2687.78

Travel reimbursement for consumer members was not authorized by the General Appropriations Act or the budget execution process for the September 2000 meeting.

Status of Committee Recommendations for Rule Amendments

During the 77th Session of the Legislature, HB 3465 amended the Occupations Code, Chapter 352, which removed the cap on registration and renewal fees. The Board considered proposed amendments to raise the fees to cover the cost of program operation at the October 2001 meeting.

The proposed rules were published in the Texas Register on November 9, 2001, for a 30-day comment period. The committee will meet to discuss comments and recommendations prior to the Board considering the proposed amendments for final adoption at the January 2002 meeting.

Enforcement

The Texas Department of Health may deny an application, suspend or revoke a certificate of registration, reprimand a registrant, assess administrative penalties, or place a registrant on probation for violations of the Opticians= Registry Act or the Board-s rules. Proposals for adverse actions are initiated by the Program Administrator with the concurrence of the Program Attorney and the concurrence or ratification of the Complaints Subcommittee.

One complaint was received during FY2001. The complaint was closed as non-jurisdictional with no action because the respondent was not a voluntarily registered optician.

Anticipated Activities

çThe committee anticipates meeting twice during fiscal year 2002.

çThe committee will accomplish tasks assigned by the Board of Health.

çThe committee will continue to provide advice to the Board of Health in the area of opticianry.

çThe committee will be represented by its Program Administrator at the annual meeting of the National Committee of State Opticianry Regulatory Boards.